

Application No.: 09/515,896  
Response Under 37 C.F.R. §1.111 dated June 10, 2004  
Reply to the Office Action dated March 12, 2004

### **REMARKS**

This is in response to the Office Action dated March 12, 2004. Claims 1, 2, 4, 5, 6, 8, 10, 12, 14, and 27-29 are canceled without prejudice or disclaimer of the subject matter recited therein. Claims 3, 7, 9, 11, 13 and 15 – 26 remain pending in the present application. Claims 17 – 26 were previously withdrawn from consideration. The rejections set forth in the Office Action are respectfully traversed below.

#### **The Prior Art Rejections**

Claims 2, 8 and 12 were rejected under 35 U.S.C. §102 over **Fujiwara et al.** (USP 6,052,417). Claims 2, 3, 5 and 7 – 13 were rejected under 35 U.S.C. §103 over **Kato et al.** (USP 6,151,360) in view of **Fujiwara**. Claims 14 – 16 were rejected under 35 U.S.C. §103 over **Kato, Fujiwara**, and further in view of **Igarashi et al.** (USP 6,324,216). As to the canceled claims identified above, these rejections are moot. As to claims 3, 7, 9, 11, 13, 15 and 16, it is submitted that the cited prior art does not teach or suggest all the features recited in the claimed invention.

For instance, amended independent claim 3 recites a GOP boundary position being decided when the inter-frame variance between time wise adjacent frames exceeds a predetermined value, and then the P frame intervals are decided based on the motion features between time wise adjacent frames within the GOP.

The Examiner's opinion is correct in that "Kato does not teach a GOP boundary position being decided based on the decision by the intra-frame coding mode decision means, and a P

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frame interval for carrying out motion compensation prediction coding based on the motion features between time wise adjacent frames” as stated on page 5 in the Office Action.

However, the further reference to **Fujiwara** does not remedy this deficiency in the primary reference to **Kato**. The Examiner asserted that “**Fujiwara** teaches the P interval inside one GOP (P1 and P3 are within GOP) being decided based on the decision by the P frame interval decision means (col. 10, lines 7 – 13)”. However, **Fujiwara** does not state whether or not P1 and P3 are within one GOP nor whether there is a GOP boundary between P1 and P3 in Fig. 25C. Basically, **Fujiwara** is silent with regard to where the GOP boundary exists.

In addition, it is apparent that the GOP boundary (wherever it is) in **Fujiwara** is fixed or predetermined. In contrast, the GOP boundary of the present invention is not fixed, since the GOP boundary of the present invention is decided based on the inter-frame variance between time wise adjacent frames. **Fujiwara** does not teach a GOP boundary position being decided based on the decision by the intra-frame coding mode decision means. **Fujiwara** does not describe a GOP boundary position being decided when the inter-frame variance between time wise adjacent frames exceeds a predetermined value.

For at least these reasons, nothing in the prior art, either alone or in combination, teaches or suggests the present claimed invention.

The Office Action also stated that “re claim 8, **Fujiwara** discloses the P frame interval decision means divides the input video picture into small blocks (18 of Fig. 11)” at page 3 in the Office Action. However, this assertion is incorrect. Item 18 of Figure 11 only discloses a divider as a calculation means.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 50-2866.

Respectfully Submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



John P. Kong  
Attorney for Applicant  
Registration No.: 40,054

JPK:kal  
1250 Connecticut Avenue  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100  
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